

Basis for the Amendments to Claims

Applicants have amended Claim 1, in accordance with Claim 1 that has been granted by the EPO in EP 1 704 099 B1. Granted Claim 1 from the corresponding EPO application was amended to require that the device be made in one piece of thermoplastic polymer material by plasturgy methods and for the tamper resistant means to be formed by series of joined micro-dots or a peripheral tear strip, which features implicitly require, with reference to Figure 5 of the application, the lid (1) and the mounting ring (2) to be made in a closed position. Claim 1 has been further amended with reference to Figure 7 to require the means of mechanical assistance (9) to be positioned in the space between the two film hinges (6 and 7). This construction of the hinge mechanism is advantageous in use but can be difficult to mold in one piece by plasturgy methods because of possible formation of undercuts. Undercuts are problematic during injection molding because they make it difficult to remove the product from the mold. To solve this problem, the present invention, according to amended Claim 1, further requires, with reference to Claim 7, that the film hinge (22) of the means of the mechanical assistance (9) be radially offset so as to be internal of the parts of the film hinges (6 and 7) that are integrated with the mounting ring. This relative radial location

of the various film hinges produces an advantageous hinge mechanism in a one piece construction that avoids the undercuts at the location of the hinge mechanism. This radial offset of the hinge of the means of mechanical assistance (9) and the hinges (6 and 7) can be seen in Figure 8. Basis for the amendments to Claim 1 are also contained on p. 13, lines 25-p. 14, line 2; p. 20, line 15-p. 21, line 13; p. 29, lines 4-29; p. 30, lines 9-22 and cancelled Claims 20 and 21.

Applicants have also added new Claim 29. Claim 29 claims a means for purification treatment of ambient air in the packaging container of Claim 1. Information concerning this packaging means for ambient air treatment was present in Claim 1, as filed, and has been removed from Claim 1 and moved to new Claim 29. Accordingly, the dependency of Claims 4 and 6 have also been amended.

As stated above, Claims 20 and 21 have been cancelled as the limitations of those claims have been incorporated into Claim 1.

No new subject matter is introduced by any of the amendments to the claims.

In the Drawings

In the Office Action it is asserted that the file does not include a copy of the drawings, except in the form of the publication of the parent application and there is a request for submission of duplicate drawings. Attached as Exhibit A is a copy of the drawings from the parent application to satisfy this requirement of the USPTO.

The USPTO in paragraph 3 of the Office Action advised that the "open cells" claimed in Claim 5 must be shown or the feature must be cancelled. Accordingly, Applicants have cancelled Claim 5.

In paragraph 4 of the Office Action, the USPTO objected to the inclusion of reference no. 16, which is not included in the description. Applicants have amended Figures 3 and 8 to delete this reference number, as shown in the drawings in Exhibit B. Replacement Sheets for all drawings are attached as Exhibit C.

No new amendments are made by any of the amendments to the drawings. Further, Applicants believe that by the amendments to the drawings, they have responded to the objections of the Examiner and request that these objections be withdrawn and the revised drawings be accepted.

Information Disclosure Statements

Applicants wish to thank the Examiner for consideration of several Information Disclosure Statements that are listed in the Office Action as shown on the second page of the Office Action. Notwithstanding, Applicants respectfully note that two additional Information Disclosure Statements, dated November 5, 2009 and August 18, 2009, were not referenced as having been considered, even though those IDSs appear in the file wrapper of the application on Private Pair. It is possible that these IDSs were not considered because they were not listed as "Information Disclosure Statements" on the Image File Wrapper. Applicants respectfully request that the documents disclosed in each of these Information Disclosure Statements be considered and acknowledgement of that consideration be enclosed with the next Office Action.

Discussion

The USPTO rejected Claim 5 under 35 U.S.C. Section 112. Applicants have accordingly canceled Claim 5 and request withdrawal of this rejection.

The USPTO rejected Claims 1-6 and 8-28 under 35 U.S.C. Section 103(a) as being unpatentable over Guillot, (U.S. Patent No. 5,464,112 in view of Sacherer, et al., (Sacherer 2003/0029739) and further in view of Weissman, (U.S. Patent No. 4,591,078). (Applicants respectfully suggest that instead of citing U.S. Patent Application 2003/0029739 (Riemenschneider, et al.), the USPTO intended to cite Sacherer, et al., U.S. Patent No. 4,834,234, as this reference lists Klaus-Dieter Sacherer as the first inventor. Further, this reference was cited by the Examiner on the Form PTO 892, which was attached to the Office Action.) In addition, the USPTO rejected Claim 7 under 35 U.S.C. Section 103(a) as being unpatentable over Guillot in view of Sacherer, et al., further in view of Weissman and further in view of Taskis, et al. (U.S. Patent No. 5,894,949). Applicants respectfully traverse each rejection of the claims of the Application, particularly after the amendments to Claim 1.

With regard to the references cited, please note that Guillot has a single flexible hinge (28). The other cited

references do not have a hinge at all. Accordingly, these references do not hint or suggest at the unique hinge mechanism claimed in the Application, particularly Claim 1, as amended, or the advantages obtained from the use of this hinge mechanism. It is acknowledged that Weissman discloses a hinge mechanism. However, this hinge mechanism is significantly different from the hinge mechanism of the Application, as claimed in amended Claim 1. Amended Claim 1 discloses a device that is molded in closed configuration. This concept is implicit from the requirement of the claims for micro-dots or a peripheral tear strip to join the mounting ring and the lid plug. Devices that can be molded in a closed configuration are advantageous for a number of reasons, not least because they save space in the mold, as compared to devices where the lid is formed in an open position. Thus, by using this process, more devices may be manufactured at one time within a certain area within the mold. Because the lid of Weissman requires a sealing interaction between the lid (50) and the base (20), it is not possible to mold this lid in a closed configuration. Accordingly, the disclosure of Weissman is incompatible with the lid and the mounting ring construction that is required by amended Claim 1.

Further, Weissman does not disclose a lid and ring that are joined as one piece in a closed configuration with a tamper

resistant means, whereby the hinges are formed of two parts joined together by polymer film, acting as an axis of rotation, as required by amended Claim 1. Reviewing Figure 3 of Weissman, it is clear that the bridges (62, 63 and 64) are not formed with a polymer film hinge. It is only after the device of Weissman is removed from the mold and processed into a closed configuration that the hinge of Figure 4 is achieved. Similarly, the middle bridge (64) of Weissman does not have a film hinge connecting the lid plug to the mounting ring. Further, referring to Figure 1 of Weissman in a closed configuration, the part of the angle (64) joined to the base (18) is not radially offset from the hinges (62) and (63) so as to be internal to the parts of the film hinges (62, 63), as are now required by amended Claim 1. Accordingly, even if the hinge mechanism of Weissman is combined with the closure cap of Guillot, the product of amended Claim 1 would not be disclosed. Accordingly, Applicants respectfully assert that the cited references would not lead a person skilled in the art to produce the subject matter, as now claimed. Accordingly, Applicants respectfully request that all substantive rejections of the claims of the Application be withdrawn.

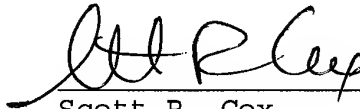
Finally, please note that Applicants have removed certain subject matter from original Claim 1 whereby a device for the

purification of air is separately claimed. Applicants have also added new Claim 29 and changed the dependency of Claims 4 and 6.

CONCLUSION

Applicants respectfully request withdrawal of all rejections and objections of the claims of the Application and the issuance of a Notice of Allowance. If there are any questions concerning this Amendment, please contact Applicants' counsel.

Respectfully submitted,



Scott R. Cox
Reg. No. 31,945
Customer No. 68072
LYNCH, COX, GILMAN & GOODMAN, P.S.C
500 West Jefferson Street, Ste. 2100
Louisville, Kentucky 40202
(502) 589-4215

Date: July 27, 2011

CERTIFICATE OF EFS SUBMISSION (37 C.F.R. § 1.8(a)(1)(C))

I hereby certify that, on the date shown below, this correspondence is being submitted to the Patent and Trademark Office via the Office Electronic Filing System in accordance with § 1.6(a)(4).

Date: July 27, 2011

Nelly Hart
Signature